

AN ORDINANCE      **9 8 6 9 8**

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE,  
ARTICLE IV, PROCEDURES AND APPENDIX B AND  
APPENDIX C OF THE CITY CODE OF SAN ANTONIO,  
TEXAS, BY AMENDING PROCEDURES RELATING TO  
ZONING CHANGES REQUIRING AMENDMENTS TO THE  
MASTER PLAN OF THE CITY.**

\* \* \* \* \*

**WHEREAS**, the San Antonio City Council adopted the revised Unified Development Code on May 3, 2001 (Chapter 35 of the City Code of San Antonio, Texas); and

**WHEREAS**, the Unified Development Code Technical Advisory Committee has recommended changes to the procedures relating to zoning changes requiring amendments to the Master Plan of the City; and

**WHEREAS**, the Zoning Commission has recommended approval of these amendments pertaining to procedures relating to zoning changes which require amendments to the Master Plan of the City; and

**WHEREAS**, the Planning Commission has recommended approval of these amendments pertaining to procedures relating to zoning changes which require amendments to the Master Plan of the City; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Article IV, Section 35-403 of the City Code of San Antonio, Texas is hereby amended as follows:

**35-403      *Notice Provisions***

\* \* \* \* \*

**(b)      *Contents of Notice***

The notice shall state the time, date and place of hearing and a description of the property subject to the application that ~~which~~ includes, at a minimum, the following:

- The street address, or addressor, if the street address is unavailable, the legal description by NCB/CB, Block, and Lot or by metes and bounds; and
- The current zoning classification, if any; and
- The category of permit requested and a brief description of the proposed development including Density or Building Intensity, revised zoning classification (if any), and uses requested.

In Table 403-1, the method for providing notice is provided in Column (A) and the types of permits affected are set forth in Columns (B) through (F). In Table 403-1, an asterisk (\*) indicates that the type of notice prescribed in Column (A) is required for the category of Development Order prescribed in Columns (B) through (F), while a dash (-) indicates that the notice is not required.

Table 403-1

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(J)	(K)
<b>Type of notice</b>	<b>Amendments to Master Plan or this Chapter</b>	<b>Rezoning</b>	<b>Master Development Plan</b>	<b>Appeals to Board of Adjustment</b>	<b>Variances from Board of Adjustment</b>	<b>Subdivision Plat, Major</b>	<b>Subdivision Plat, Minor</b>	<b>Certificate of Appropriateness</b>	<b>Permits, Orders or Approvals not Mentioned Requiring Public Hearing</b>
<b>Publication:</b> Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	--	*	*	*(5)	--	--	*
<b>Mail:</b> Before the 10th day before the hearing date, written notice of the public hearing shall be sent	--	*(3)(4)(6)	*(3)	*(3)(4)	*(3)(4)	*(3)(4)(5)	--	--	*(4)(5)
<b>Internet:</b> post a copy of the notice on the City's Internet website until the proceeding has been completed.	*	*(1)	*	*	*	*	*	*	*
<b>Signage:</b> post a sign on the property subject to the Application Signs to be installed and provided by the City <sup>(2)</sup>	--	*(1)	--	--	--	--	--	*	--

## Notes:

- (1) Effective if passed by a 2/3 majority of the City Council pursuant to VTCA Local Government Code § 211.007(d) and if the City Council and Zoning Commission conduct a joint hearing.
- (2) The sign shall measure not less than four feet by four feet with a caption stating "Site of Proposed Rezoning," " " as applicable. The letters shall be not less than eight inches in height and two inches in width. The sign must state required by subsection (b), above. Such signs shall be deemed to comply with Section 28 of the City Code, notwithstanding any provision to the contrary.
- (3) Notice shall be sent to Registered Neighborhood Associations within 200 feet of the project.
- (4) Notice shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property
- (5) Notice shall be sent prior to the 15<sup>th</sup> day before the date of the public hearing. Notice shall be sent only if a replat requires a public hearing with required notice.
- (6) Notice shall be sent to members of the Planning Team, as defined by §35-420(b)(3), for the affected Neighborhood, Community or Perimeter Plan, as applicable.

**SECTION 2.** Chapter 35, Article IV, Section 35-404 of the City Code of San Antonio, Texas is hereby amended as follows:

**35-404        *Public Hearings Procedures***

\* \* \* \* \*

**(b)        *Meetings***

The Planning Commission, and Zoning Commission, and Historic and Design Review Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this Chapter. On those items where it has review authority, the Zoning Commission or Planning Commission shall recommend that the City Council approve, approve with conditions or deny such items applications. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the City Council, or amendment thereto, or other development approval, has been duly submitted to the Zoning Commission or Planning Commission, and said Commission has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. The Director shall thereupon submit the proposed land use regulation or amendment thereto or other development approval to the City Council for its consideration.

**SECTION 3.** Chapter 35, Article IV, Section 35-420 of the City Code of San Antonio, Texas is hereby amended as follows:

**35-420        *Comprehensive, Neighborhood, Community and Perimeter Plans***

\* \* \* \* \*

**(e)        *Approval Criteria***

**(1)        *Contents***

All plans shall include the following elements: land use, community facilities, and transportation networks. The Plan shall contain an existing land use map and a future land use map. The Plan shall include cross references comparing future land use categories to comparable zoning districts established by Article III of this Chapter. Pursuant to VTCA Local Government Code §219.005 (Notation on Map of Comprehensive Plan), a map of a plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries." The Plans shall include goals, objectives and policies for each element. The Plans shall be consistent with the Master Plan. The Plans will suggest time frames, responsible parties, and potential funding sources for implementation of the Plan.

**SECTION 4.** Chapter 35, Article IV, Section 35-421 of the City Code of San Antonio, Texas is hereby amended as follows:

**35-421        Zoning Amendments**

\* \* \* \* \*

**(c)        Completeness Review**

The ~~Planning~~ Director shall conduct a completeness review as set forth in § 35-402 of this Chapter within two (2) working days of application submittal. The Appellate Agency for purposes of completeness review (see § 35-402(c) of this Chapter) shall be the Zoning Commission.

For all applications for rezoning, the Director, with Planning Department consultation and based on the information provided by the applicant, shall provide an analysis regarding consistency with the policies contained in the Master Plan of the City or, as applicable, the land use element of a Neighborhood, Community, or Perimeter Plan adopted pursuant to §35-420 of this Chapter within five (5) working days. If the Zoning Commission makes a determination that the requested rezoning is inconsistent with the land use element of the Master Plan, then the application for rezoning shall not be deemed complete until a completed application for a Master Plan amendment is filed with the Planning Department, provided however, the Zoning Commission may make a recommendation on the application for rezoning subject to submission of an application for a Master Plan amendment. If the Zoning Commission determines that the requested change is consistent with the land use element of the Master Plan, then the zoning case may be deemed complete without an amendment to the Master Plan of the City.

\* \* \* \* \*

**(e)        Approval Criteria**

In its review of an application for rezoning, the City Council shall consider the following criteria. No single factor is controlling. Instead, each must be weighed in relation to the other standards. If the Zoning Commission finds that a proposed zoning amendment is inconsistent with the land use element of a Neighborhood, Community or Perimeter Plan adopted pursuant to §35-420 of this Chapter, as applicable, the application shall not be considered by the City Council until a recommendation regarding a Master Plan amendment for the proposed zoning amendment has been forwarded by the Planning Commission to the City Council, either prior to or concurrently with the proposed zoning amendment.

**(1) Consistency**

The City Council does not, on each rezoning hearing, redetermine as an original matter, the city's policy of comprehensive zoning. The city's zoning map shall be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose. ~~The proposed rezoning shall comply with any comprehensive plan that has been adopted pursuant to VTCA Local Government Code~~

~~chapter 219, and any Neighborhood Plan, Community Plan or Perimeter Plan recognized pursuant to § 35-420 of this Chapter.~~

***(2) Adverse Impacts on Neighboring Lands***

The City Council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Council finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings which promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered

***(3) Suitability as Presently Zoned***

The City Council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

***(4) Health, Safety and Welfare***

The amendatory ordinance must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

***(5) Public Policy***

A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, or mixed use development which functionally relates to the surrounding neighborhoods.

***(6) Size of Tract***

The City Council shall consider the size, shape and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single city lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify an amendatory ordinance.

***(7) Other Factors***

The City Council may consider any other factors relevant to a rezoning application under Texas law.

\* \* \* \* \*

**SECTION 5.** Chapter 35, Appendix C, Section 35-C110 of the City Code of San Antonio, Texas is hereby amended as follows:

**Appendix C Exhibit C      Fee Schedule**

\* \* \* \* \*

**35-C110      Master Plan Amendments**

A fee shall be paid for the processing of any Master Plan Amendments pursuant to §35-421 of this Chapter. All fees must be paid at the time the Master Plan Amendment is submitted for review.

**SECTION 6.** All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.


**SECTION 7.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

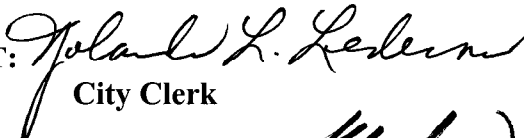
**SECTION 8.** Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

**SECTION 9.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Codes to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 10.** This ordinance shall become effective January 18, 2004.

**PASSED AND APPROVED this 8th day of January, 2003.**

  
MAYOR  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney